

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

SHANNON MYERS, :
 :
 Plaintiff : CIVIL ACTION NO. 3:21-867
 :
 v. : (JUDGE MANNION)
 :
 CLINTON COUNTY :
 CORRECTIONAL :
 FACILITY, *et al.*, :
 :
 Defendants :

ORDER

In accordance with the memorandum issued this same day, **IT IS
HEREBY ORDERED THAT:**

- (1) Defendants' objections (**Doc. 20, Doc. 21**) to the report and recommendation pending before the court are **SUSTAINED**.
- (2) The report and recommendation (**Doc. 19**) is **ADOPTED IN PART
AND NOT ADOPTED IN PART**.
- (3) The report and recommendation is **ADOPTED** to the extent that plaintiff's claims against defendants CCCF, Clinton County Prison Board, Snyder, Smeltz and Conklin; plaintiff's due process and equal protection claims under the Fourteenth Amendment; and plaintiff's claims for punitive damages against Clinton County and the Warden defendants in their official capacity are **DISMISSED**.

(4) The report and recommendation is **NOT ADOPTED** with respect to plaintiff's Eighth Amendment claim, as the court finds that the Colburn II standard should have been applied in evaluating that claim.

(5) The instant action is **REMANDED** to the magistrate judge for consideration of plaintiff's Eighth Amendment claim under the Colburn II standard.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: March 11, 2022

21-867-01-ORDER